

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions

of the United States Court of Customs and
Patent Appeals and the United States
Customs Court

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THE DEPARTMENT OF THE TREASURY
U.S. Customs Service

NOTICE

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U.S. Customs Service

Treasury Decisions

(T.D. 80-160)

Fines, Penalties, and Forfeitures—Customs Regulations Amended

Parts 103, 171, Customs Regulations, relating to availability of guidelines for mitigation of claims for monetary penalties assessed pursuant to section 592, Tariff Act of 1930, amended

TITLE 19—CUSTOMS DUTIES

CHAPTER I—U.S. CUSTOMS SERVICE

PART 103—AVAILABILITY OF INFORMATION

PART 171—FINES, PENALTIES, AND FORFEITURES

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: The guidelines used by Customs for mitigation of claims for monetary penalties assessed pursuant to section 592, Tariff Act of 1930, as amended, were recently approved by the Treasury Department. This document advises the public that the mitigation guidelines are available, upon request, from Customs. The fact that the mitigation guidelines are available is also incorporated in the Customs Regulations.

EFFECTIVE DATE: Upon publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Marilyn Morrison, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; 202-566-8317.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Customs Procedural Reform and Simplification Act of 1978 (Public Law 95-410), approved October 3, 1978 (the act), made

numerous amendments to statutes administered by Customs which relate to fines, penalties, forfeitures, and liquidated damages for violations of customs and navigation laws. Under the act, section 592, Tariff Act of 1930 (19 U.S.C. 1592), relating to entry of merchandise by fraud or negligence, was amended.

New procedures were adopted for the imposition of a monetary penalty or, in limited circumstances, for the seizure of merchandise, for a violation of 19 U.S.C. 1592 in a document published as T.D. 79-160 in the Federal Register on June 4, 1979 (44 F.R. 31950). Guidelines used by Customs for the mitigation of claims for monetary penalties assessed pursuant to 19 U.S.C. 1592 were recently approved by the Treasury Department. This document advises the public that the mitigation guidelines are available upon request from Customs and amends the Customs Regulations as set forth below.

NOTICE OF AVAILABILITY OF MITIGATION GUIDELINES

The guidelines for mitigation by Customs of claims for monetary penalties assessed pursuant to section 592, Tariff Act of 1930, as amended, as approved by the Treasury Department on March 7, 1980, are available upon written request to the Commissioner of Customs, Attention: Office of Regulations and Rulings, 1301 Constitution Avenue NW., Washington D.C. 20229, in accordance with part 103, Customs Regulations (19 CFR, part 103), relating to the availability of information.

AMENDMENTS TO THE REGULATIONS

Parts 103 and 171, Customs Regulations (19 CFR, parts 103, 171), are amended as set forth below:

PART 103—AVAILABILITY OF INFORMATION

Section 103.7, Customs Regulations, is amended by inserting "Guidelines for Mitigation of Claims for Monetary Penalties Assessed Pursuant to Section 592, Tariff Act of 1930, as amended," in appropriate alphabetical order in the listing of documents in the section. (R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624).)

PART 171—FINES, PENALTIES, AND FORFEITURES

Subpart C of part 171, Customs Regulations, is amended by adding a new section 171.23 to read as follows:

171.23. Availability of mitigation guidelines for monetary penalties assessed pursuant to section 592, Tariff Act of 1930, as amended.

The guidelines used by the Customs Service for the mitigation of claims for monetary penalties assessed pursuant to section 592, Tariff

Act of 1930, as amended, are available upon written request to the Commissioner of Customs, Attention: Office of Regulations and Rulings, 1301 Constitution Avenue NW., Washington, D.C. 20229. (R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624).)

INAPPLICABILITY OF PUBLIC NOTICE REQUIREMENT AND DELAYED
EFFECTIVE DATE

Because the subject matter of this document does not constitute a departure from established policy or procedures, and is totally informational in nature, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary and contrary to the public interest. Further, for the same reasons, good cause exists for dispensing with the delayed effective date provisions of 5 U.S.C. 553(d).

REGULATION DETERMINED TO BE NONSIGNIFICANT

In the directive implementing Executive Order 12044, the Treasury Department stated that it considers each regulation or amendment to an existing regulation published in the Federal Register and codified in the Code of Federal Regulations to be significant. However, regulations which are nonsubstantive, are essentially procedural, do not materially change existing or establish new policy, and do not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of, those affected, may, with Secretarial approval, be determined not to be significant. Accordingly, it has been determined that this document does not meet the Treasury Department criteria in the directive for significant regulations.

DRAFTING INFORMATION

The principal author of this document was John E. Elkins, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

WILLIAM T. ARCHHEY,
Commissioner of Customs.

Approved: June 6, 1980.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury.

[Published in the Federal Register June 17, 1980 (45 F.R. 40975)]

(T.D. 80-161)

Bonds

Approval and discontinuance of consolidated aircraft bonds (air carrier blanket bonds) Customs form 7605

The following consolidated aircraft bonds have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by the figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of the list.

Dated: June 13, 1980.

Name of principal and surety	Date term commences	Date of approval	Filed with district director/area director/amount
Pacific Southwest Airlines, 3225 North Harbor Dr., San Diego, CA; Safeco Insurance Company of America	Apr. 20, 1980	Apr. 20, 1980	Los Angeles, CA; \$100,000

NOTE.—The foregoing principal has not been designated as a carrier of bonded merchandise.

Name of principal and surety	Date term commences	Date of approval	Filed with district director/area director/amount
Seaboard World Airlines, Inc., John F. Kennedy Airport, Jamaica, NY; Peerless Insurance Company (PB 4/28/78) D 11/15/79 ¹	Apr. 14, 1980	Apr. 14, 1980	J. F. K. Airport; \$100,000
Union De Transports Aeriens c/o Compagnie Nationale Air France, 1350 Avenue of the Americas, New York, NY; Insurance Company of North America	May 14, 1980	May 20, 1980	New York Seaport; \$100,000

¹ Surety is American Motorists Insurance Co.

NOTE.—The foregoing principal has been designated as a carrier of bonded merchandise.

BON-3-01

ALFRED G. SCHOLLE,

Director,

Carriers, Drawback and Bonds Division.

(T.D. 80-162)

Bonds

Approval and discontinuance of carriers bonds, Customs form 3587

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of the list.

Dated: June 16, 1980.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
American Pacific Container Line, Inc., 501 Army St., San Francisco, CA; water carrier; Fireman's Fund Ins. Co. D 5/12/80	Nov. 15, 1979	Feb. 25, 1980	San Francisco, CA; \$50,000
Andrews Van Lines, Inc., 7th St. and Park Ave., Norfolk, NE; motor carrier; Reliance Ins. Co. (PB 1/1/75) D 5/20/80 ¹	Apr. 1, 1980	May 20, 1980	Chicago, IL; \$25,000
Atlantic Coast Express, Inc., 2170 N. Fleet St., Elizabeth, NJ; motor carrier; Midland Ins. Co.	May 5, 1980	May 16, 1980	Newark, NJ; \$100,000
Atomic Interprovincial Transport, 2070 Logan Ave., Winnipeg, Manitoba, Canada; motor carrier; Trans-america Ins. Co.	May 23, 1980	May 27, 1980	Pembina, ND; \$25,000
Boss Linco Lines, Inc., 3909 Genesee St., Buffalo, NY; motor carrier; St. Paul Fire & Marine Ins. Co. (PB9/20/77) D6/1/80 ²	May 23, 1980	June 1, 1980	Buffalo, NY; \$40,000
Budig Trucking Co., 1100 Gest St., Cincinnati, OH; motor carrier; Commercial Union Ins. Co. D 5/23/80	Mar. 18, 1974	Apr. 19, 1974	Cleveland, OH; \$50,000
Buske Lines, Inc., 123 W. Tyler, P.O. Box 349, Litchfield, IL; motor carrier; St. Paul Fire & Marine Ins. Co.	May 5, 1980	May 22, 1980	Detroit, MI; \$50,000
Columbia Air/Frate, Inc., P.O. Box 66311, Chicago, IL; freight forwarder; St. Paul Fire & Marine Ins. Co. D 6/3/80	Mar. 22, 1976	Apr. 5, 1976	Chicago, IL; \$25,000
Commercial Transport Corp., 1701 East Market St., P.O. Box 610, Jeffersonville, IN; water carrier; Federal Ins. Co. D 5/22/80	Feb. 21, 1962	Feb. 21, 1962	Cleveland, OH \$100,000

Footnotes at end of table.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Continental Pipe Line Co., P.O. Box 1267, Ponca City, OK; pipe line; Federal Ins. Co. (PB 5/13/88) D 5/15/80 ²	Apr. 30, 1980	May 15, 1980	Great Falls, MT; \$75,000
Convoy Co., 3900 N.W. Yeon Ave., Portland, OR; motor carrier; Employers Insurance of Wausau (PB 2/27/74) D 5/16/80 ⁴	May 15, 1980	May 16, 1980	Portland, OR; \$25,000
East Texas Motor Freight, 623 N. Washington, P.O. Box 10125, Dallas, TX; motor carrier; Gulf Ins. Co. (PB 3/20/75) D 4/10/80 ⁴	Mar. 20, 1980	Apr. 10, 1980	Houston, TX; \$25,000
Equipment Express Limited, 8105 Woodbine Ave., Markham, Ontario, Canada; motor carrier; St. Paul Fire & Marine Ins. Co.	June 3, 1980	June 6, 1980	Detroit, MI; \$50,000
Frederickson Motor Express Corp., P.O. Box 21098, Charlotte, NC; motor carrier; The Travelers Indemnity Co.	Mar. 24, 1980	Apr. 11, 1980	Wilmington, NC; \$25,000
Garcia Transport Co., 12312 N.E. Whitaker Way, Portland, OR; motor carrier; Washington International Ins. Co. (PB 4/26/77) D 5/29/80 ⁴	May 28, 1980	May 29, 1980	Portland, OR; \$25,000
Gateway Transfer, Inc., 1319 Sta. Rita Ave., Laredo, TX; motor carrier; American Indemnity Co. D 6/2/80	Aug. 3, 1978	Oct. 20, 1978	Laredo, TX; \$25,000
Highway Express, Inc., 2416 W. Superior Ave., Cleveland, OH; motor carrier; Liberty Mutual Ins. Co. D 5/22/80	Oct. 4, 1968	Dec. 6, 1968	Cleveland, OH; \$25,000
Kreitz Motor Express, Inc., 220 Park Road North; P.O. Box 375, Wyomissing, PA; motor carrier; Western Surety Co.	Feb. 23, 1980	May 27, 1980	Philadelphia, PA; \$25,000
Matlack, Inc., 10 W. Baltimore Ave., Lansdowne, PA; motor carrier; American Home Assurance Co. (PB 6/1/77) D 6/1/80 ²	June 1, 1980	June 1, 1980	Philadelphia, PA; \$50,000
Melton Truck Lines, Inc., P.O. Box 7666, Shreveport, LA; motor carrier; Aetna Casualty & Surety Co.	May 7, 1980	May 19, 1980	Houston, TX; \$25,000
Milwaukee Motor Transportation Co. (a WI Corp.) 516 West Jackson Blvd., Chicago, IL; motor carrier; The Aetna Casualty and Surety Co.	June 2, 1980	June 3, 1980	Chicago, IL; \$35,000
Milwaukee Transfer & Fuel Co., Inc., 15360 R.R. Ave., Clackamas, OR; motor carrier; The Aetna Casualty and Surety Co.	May 30, 1980	May 30, 1980	Portland, OR; \$25,000
O.K. Motor Service, Inc., 5400 S. Center, Summit, IL; motor carrier; National Surety Corp. D 6/2/80	Mar. 21, 1978	Apr. 21, 1978	Chicago, IL; \$35,000

Footnotes at end of table.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Osborne Truck Line, Inc., 516 North 31st St., P.O. Box 909, Birmingham, AL; motor carrier; U.S. Fidelity and Guaranty Co.	Mar. 22, 1971	Apr. 7, 1971	Mobile, AL; \$25,000
Regency Motor Freight, Inc., 26600 Van Born Rd., Dearborn Heights, MI; motor carrier; Continental Casualty Co.	Feb. 14, 1980	May 9, 1980	Milwaukee, WI; \$25,000
Robbins Motor Transportation, Inc., P.O. Box 38, Essington, PA; motor carrier; Western Surety Co. (PB 4/8/76) D 4/8/80 ¹	Apr. 8, 1980	May 28, 1980	Philadelphia, PA; \$25,000
Roll-On, Inc., Box 1962, Clovis, NM; motor carrier; Royal Globe Insurance Co.	Nov. 29, 1979	May 2, 1980	Ogdensburg, NY; \$25,000
Silver Creek Leasing, Inc., 655 South Road, Boynton Beach, FL; motor carrier; Sentry Indemnity Co.	Feb. 28, 1980	May 23, 1980	Miami, FL; \$50,000
Sunshine Express of Wilson, Inc., P.O. Box 4812, Rocky Mount, NC; motor carrier; U.S. Fidelity & Guaranty Co.	Mar. 31, 1980	Apr. 15, 1980	Wilmington, NC; \$25,000
Tischler Express, Inc., 8408 Elliston Rd., Philadelphia, PA; motor carrier; American Motorists Ins. Co.	Apr. 21, 1980	May 27, 1980	Philadelphia, PA; \$50,000
Victory Transfer Co., Inc., 1900 Markley, P.O. Box 201, Laredo, TX; motor carrier; St. Paul Fire & Marine Ins. Co.	May 23, 1980	June 5, 1980	Laredo, TX; \$25,000
The Waggoners Trucking, Box 31357, Billings, MT; motor carrier; St. Paul Fire & Marine Ins. Co. (PB 10/23/79) D 7/2/80 ²	May 23, 1980	June 5, 1980	Great Falls, MT; \$25,000
J. J. Willis Trucking Co., P.O. Box 47127, Dallas, TX; motor carrier; Highlands Ins. Co. (PB 2/27/77) D 3/4/80 ³	Mar. 5, 1980	Mar. 5, 1980	El Paso, TX; \$25,000
Wyeth Laboratories, Mason, MI; motor carrier; Federal Insurance Co. of North America	Mar. 14, 1980	May 15, 1980	Detroit, MI; \$50,000

¹ Surety is Insurance Company of North America.² Surety is Insurance Company of North America.³ Surety is Hartford Accident & Indemnity Co.⁴ Surety is Mid-Century Insurance Co.⁵ Principal is East Texas Motor Freight System, surety is Safeco Insurance Company of America.⁶ Principal is Aicrag Corp., surety is the Aetna Casualty & Surety Co.⁷ Surety is Protective Insurance Co.⁸ Surety is Fidelity & Deposit Company of Maryland.⁹ Principal is Popelka Trucking Co., Inc. d/b/a The Waggoners.¹⁰ Surety is Reliance Insurance Co.

BON-3-03

ALFRED G. SCHOLLE,
Director,
Carriers, Drawback and Bonds Division.

(T.D. 80-163)

Bonds

Approval and discontinuance of bonds on Customs form 7587 for the control of instruments of international traffic of a kind specified in section 10.41a of the Customs Regulations

Bonds on Customs form 7587 for the control of instruments of international traffic of a kind specified in section 10.41a of the Customs Regulations have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by the figures in parentheses immediately following which has been discontinued. If the previous bond was in the name of a different company or if a surety was different, the information is shown in a footnote at the end of the list.

Dated: June 16, 1980.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Baird Inc., Two Bala Cynwyd Plaza, Bala Cynwyd, PA; Peerless Ins. Co. D 5/14/80	May 9, 1979	May 11, 1979	Norfolk, VA; \$10,000
Bedford Importers Ltd., 608 5th Ave., New York, NY; Peerless Ins. Co. D 5/26/80	May 26, 1978	June 1, 1978	New York Seaport; \$10,000
Care Shipping, Inc., 525 North Belt, Suite 160, Houston, TX; St. Paul Fire & Marine Ins. Co.	Apr. 10, 1980	Apr. 21, 1980	Houston, TX; \$50,000
Gas & Equipment (Transport) Ltd., Ashby St., Ledgers, England; Peerless Ins. Co.	May 22, 1980	May 30, 1980	Houston, TX; \$50,000
Guerlain, Inc., Route #138, Somers, NY; Old Republic Ins. Co.	Apr. 22, 1980	Apr. 22, 1980	New York Seaport; \$10,000
Henley & Co., Inc., 750 Third Ave., New York, NY; Washington International Ins. Co. D 6/29/80	June 29, 1978	July 13, 1978	New York Seaport; \$10,000
ICC Industries Inc. & its wholly owned subsidiaries: ICC (Western Hemisphere) Corp. and ICC Export Inc., 720 Fifth Ave., New York, NY; Old Republic Ins. Co.	May 7, 1980	May 7, 1980	New York Seaport; \$10,000
Intermaritime Forwarding Co., Inc., One World Trade Center, New York, NY; Old Republic Ins. Co.	May 14, 1980	May 14, 1980	New York Seaport; \$10,000
Kulmbacker Import Co., Inc., 70-02 Cypress Hills Rd., Glendale, NY; Old Republic Ins. Co. D 5/28/80	Feb. 13, 1979	Feb. 22, 1979	New York Seaport; \$10,000

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Lykes Bros. Steamship Co., Inc., 300 Poydras St., New Orleans, LA; Hartford Accident & Indemnity Co. (PB 5/1/88) D 5/1/80	Apr. 23, 1980	May 9, 1980	New Orleans, LA; \$10,000
Miller Brewing Co., 400 W. State St., Milwaukee, WI; Federal Ins. Co. D 5/12/80	May 23, 1977	June 10, 1977	Los Angeles, CA; \$50,000
Trinicon (USA) Inc., 11980 San Vicente Blvd., #111, Los Angeles, CA; Old Republic Ins. Co.	Apr. 24, 1980	May 13, 1980	New Orleans, LA; \$10,000
Vectra Corp., 8305 Telegraph Rd., Odenton, MD; Washington International Ins. Co.	Sept. 24, 1979	Nov. 21, 1979	Baltimore, MD; \$10,000
Wallach-Gracer Export Corp. & its subsidiary Walgray International Inc., Empire State Bldg., Suite 6605, New York, NY; American Motorists Ins. Co.	Apr. 2, 1980	Apr. 4, 1980	New York Seaport; \$10,000
Wheaton Van Lines Inc., 8010 Castleton Rd., P.O. Box 50800, Indianapolis, IN; Liberty Mutual Ins. Co.	Mar. 4, 1980	Apr. 7, 1980	New York Seaport; \$10,000

BON-3-10

ALFRED G. SCHOLLE,
Director,
Carriers, Drawback and Bonds Division.

(T.D. 80-164)

Manmade Fiber Textile Products—Restriction of Entry

Restriction on entry of manmade fiber textile products manufactured or produced in Romania

There is published below a directive of May 13, 1980, received by the Commissioner of Customs from the chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry of manmade fiber textile products in category 635 manufactured or produced in Romania. This directive amends, but does not cancel, that committee's directive of December 12, 1979 (T.D. 80-49).

This directive was published in the Federal Register on May 16, 1980 (45 F.R. 32362), by the committee.

(QUO-2-1)

Dated: June 11, 1980.

WILLIAM D. SLYNE,
(For Chester R. Krayton, Director
Duty Assessment Division).

U.S. DEPARTMENT OF COMMERCE,
INTERNATIONAL TRADE ADMINISTRATION,
Washington, D.C., May 13, 1980.

Committee for the Implementation of Textile Agreements

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on December 12, 1979, by the chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and manmade fiber textile products, produced or manufactured in Romania.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Wool and Man-Made Fiber Textile Agreement of June 17, 1977, as amended, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 19, 1980, and for the 12-month period beginning on January 1, 1980, and extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of manmade fiber textile products in category 635, produced or manufactured in Romania, in excess of the following level of restraint:

<i>Category</i>	<i>12-month level of restraint¹</i>
635	16,949 dozen

Textile products in category 635 which have been exported to the United States prior to January 1, 1980, shall be subject to this directive.

Textile products in category 635 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of TSUSA numbers was published in the Federal Register on February 28, 1980 (45 F.R. 13172), as amended on April 23, 1980 (45 F.R. 27463).

¹ The level of restraint has not been adjusted to reflect any imports after Dec. 31, 1979. Imports during the period, January-March 1980, amounted to 2,760 dozen. Charges in the amount of 9,430 dozen, representing shipments in excess of the 1979 level of restraint should also be made to the above level.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of manmade fiber textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

PAUL T. O'DAY,
*Chairman, Committee for the
Implementation of Textile Agreements.*

(T.D. 80-165)

Cotton and Manmade Fiber Textile Products—Restriction on Entry

Restriction on entry of cotton and manmade fiber textile products manufactured or produced in Haiti

There is published below a directive of April 25, 1980, received by the Commissioner of Customs from the chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry of cotton and manmade fiber textile products in certain categories manufactured or produced in Haiti.

This directive was published in the Federal Register on April 30, 1980 (45 F.R. 28792) by the committee.

(QUO-2-1)

Dated: June 11, 1980.

WILLIAM D. SLYNE
(For Chester R. Krayton, Director,
Duty Assessment Division).

U.S. DEPARTMENT OF COMMERCE,
INTERNATIONAL TRADE ADMINISTRATION,
Washington, D.C., April 25, 1980.

Committee for the Implementation of Textile Agreements

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979, between the Governments of the United States and Haiti; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 1, 1980, and for the 12-month period extending through April 30, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and manmade fiber textile products in categories 331, 337, 340, 349/649, 632, 635, 637, 651, and 652, produced or manufactured in Haiti, in excess of the following levels of restraint:

<i>Category</i>	<i>12-month level of restraint</i>
331	533, 429 dozen pairs
337	91, 592 dozen
340	112, 500 dozen
349/649	1, 168, 819 dozen
632	1, 744, 565 dozen pairs
635	139, 904 dozen
637	351, 643 dozen
651	96, 154 dozen
652	500, 000 dozen

In carrying out this directive entries of textile products in the foregoing categories which have been exported to the United States prior to May 1, 1980, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the 12-month period beginning on May 1, 1979, and extending through April 30, 1980. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of August 17, 1979, between the Governments of the United States and Haiti which provide, in part, that: (1) For the second and third agreement years, each specific limit shall be increased by 7 percent annually, except category 349/649; (2) any specific ceiling may be exceeded in any agreement year by not more than 7 percent of its square yard equivalent total, provided that the amount of the increase is compensated for by an equivalent decrease in one or more specific limits; (3) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the textile categories in terms of TSUSA numbers was published in the Federal Register on February 28, 1980 (45 F.R. 13172).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti and with respect to imports of cotton and manmade fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

PAUL T. O'DAY,
*Chairman, Committee for the
Implementation of Textile Agreements.*

(T.D. 80-166)

Cotton and Manmade Fiber Textile Products—Restriction on Entry

Restriction on entry of cotton and manmade fiber textile products manufactured or produced in Poland

There are published below directives of April 11 and May 6, 1980, received by the Commissioner of Customs from the chairman, Committee for the Implementation of Textile Agreements, concerning

restriction on entry of cotton and manmade fiber textile products in categories 369 and 634 manufactured or produced in Poland. These directives amend, but do not cancel, that committee's directive of December 20, 1979 (T.D. 80-61).

These directives were published in the Federal Register on April 16 and May 9, 1980 (45 F.R. 25857 and 45 F.R. 30666, respectively), by the committee.

(QUO-2-1)

Dated: June 11, 1980.

WILLIAM D. SYLNE
(For Chester R. Krayton, Director,
Duty Assessment Division).

U.S. DEPARTMENT OF COMMERCE,
INTERNATIONAL TRADE ADMINISTRATION,
Washington, D.C., April 11, 1980.

Committee for the Implementation of Textile Agreements

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on December 20, 1979, by the chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and manmade fiber textile products, produced or manufactured in Poland.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 9 and 21, 1978, as amended, between the Governments of the United States and the Polish People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 11, 1980, for the 12-month period beginning on January 1, 1980, and extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in category 369, produced or manufactured in Poland in excess of an amended level of restraint of 683,124 pounds.¹

¹ The level of restraint has not been adjusted to reflect any imports after Dec. 31, 1979.

The action taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton textile products from Poland has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

PAUL T. O'DAY,
*Chairman, Committee for the
Implementation of Textile Agreements.*

U.S. DEPARTMENT OF COMMERCE,
INTERNATIONAL TRADE ADMINISTRATION,
Washington D.C., May 6, 1980.

Committee for the Implementation of Textile Agreements

COMMISSIONER OF CUSTOMS,
*Department of the Treasury,
Washington, D.C.*

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of December 20, 1979, from the chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and manmade fiber textile products, produced or manufactured in Poland.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 6 and January 25, 1978, as amended, between the Governments of the United States and the Polish People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 12, 1980, and for the 12-month period beginning on January 1, 1980, and extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of manmade fiber textile products in category 634 and its sublimits, produced or manufactured in Poland, in excess of the following levels of restraint:

<i>Category</i>	<i>12-month level of restraint¹</i>
634	114,264 dozen of which not more than 84,746 dozen shall be in TSUSA Nos. 380.-0405, 380.8101, 380.8106, 380.8109, 380.8112, and 791.7460, and not more than 36,320 dozen shall be in TSUSA Nos. 376.-5609, 380.0445, 380.5167, 380.5169, 380.8410, 380.-8416, 380.8418, 380.8419, and 791.7471.

In carrying out this directive entries of textile products in the foregoing category and its sublimits, which have been exported to the United States prior to January 1, 1980, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the 12-month period which began on January 1, 1979, and extended through December 31, 1979. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

Textile products in category 634 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of manmade fiber textile products from Poland have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

PAUL T. O'DAY,
*Chairman, Committee for the
Implementation of Textile Agreements.*

¹ The levels of restraint have not been adjusted to reflect any imports after Dec. 31, 1979.

(T.D. 80-167)

Cotton Textile Products—Restriction on Entry

Restriction on entry of cotton textile products manufactured or produced in
Pakistan

There is published below a directive of April 30, 1980, received by the Commissioner of Customs from the chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry of cotton textile products in category 339 manufactured or produced in Pakistan. This directive amends, but does not cancel, that committee's directive of December 20, 1979 (T.D. 80-60).

This directive was published in the Federal Register on May 6, 1980 (45 F.R. 29876), by the committee.

(QUO-2-1)

Dated: June 11, 1980.

WILLIAM D. SLYNE

(For Chester R. Krayton, Director,
Duty Assessment Division).

U.S. DEPARTMENT OF COMMERCE,
INTERNATIONAL TRADE ADMINISTRATION,
Washington, D.C., April 30, 1980.

Committee for the Implementation of Textile Agreements

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of December 20, 1979, from the chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton textile products, produced or manufactured in Pakistan.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended between the Governments of the United States and Pakistan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit,

effective on May 6, 1980, and for the 12-month period beginning on January 1, 1980, and extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in category 339, produced or manufactured in Pakistan, in excess of the following level of restraint:

<i>Category</i>	<i>12-month level of restraint</i> ¹
339	397,535 dozen of which not more than 139,773 dozen shall be in TSUSA Nos. 382.0669 and 382.0671

Textile products in category 339 which have been exported prior to January 1, 1980, shall not be subject to this directive.

The action taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

PAUL T. O'DAY,
*Chairman, Committee for the
Implementation of Textile Agreements.*

(T.D. 80-168)

Cotton Textile Products—Restriction on Entry

Restriction on entry of cotton textile products manufactured or produced in India

There is published below a directive of May 23, 1980, received by the Commissioner of Customs from the chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry of cotton textile products in category 342 manufactured or produced in India. This directive amends, but does not cancel, that committee's directive of December 21, 1979 (T.D. 80-58).

¹ The level of restraint has not been adjusted to reflect any imports after Dec. 31, 1979.

This directive was published in the Federal Register on May 29, 1980 (45 F.R. 36107), by the committee.

(QUO-2-1)

Dated: June 11, 1980.

WILLIAM D. SLYNE
(For Chester R. Krayton, Director,
Duty Assessment Division).

U.S. DEPARTMENT OF COMMERCE,
INTERNATIONAL TRADE ADMINISTRATION,
Washington, D.C., May 23, 1980.

Committee for the Implementation of Textile Agreements

COMMISSIONER OF CUSTOMS,
*Department of the Treasury,
Washington, D.C.*

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on December 21, 1979 by the chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain cotton, wool, and manmade fiber textile products, produced or manufactured in India.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 23, 1980, and for the 12-month period beginning on January 1, 1980, and extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in category 342, produced or manufactured in India in excess of 98,315 dozen.¹

The action taken with respect to the Government of India and with respect to imports of cotton textile products from India has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions to the United States.

¹ The level of restraint has not been adjusted to reflect any imports after Dec. 31, 1979.

Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs functions to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

PAUL T. O'DAY,
*Chairman, Committee for the
Implementation of Textile Agreements.*

(T.D. 80-169)

Cotton and Manmade Fiber Textile Products—Restriction on Entry

Restriction on entry of cotton and manmade fiber textile products manufactured or produced in the People's Republic of China

There is published below a directive of May 19, 1980, received by the Commissioner of Customs from the chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry of cotton and manmade fiber textile products in certain categories manufactured or produced in the People's Republic of China.

This directive was published in the Federal Register on May 21, 1980 (45 F.R. 34030), by the committee.

(QUO-2-1)

Dated: June 11, 1980.

WILLIAM D. SLYNE
(For Chester R. Krayton, Director,
Duty Assessment Division).

U.S. DEPARTMENT OF COMMERCE,
INTERNATIONAL TRADE ADMINISTRATION,
Washington, D.C., May 19, 1980.

Committee for the Implementation of Textile Agreements

COMMISSIONER OF CUSTOMS,
*Department of the Treasury,
Washington, D.C.*

DEAR MR. COMMISSIONER: Under the terms of section 204 of the Agricultural Act of 1956, as amended, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 31, 1980, and for the 12-month period extend-

ing through May 30, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and manmade fiber textile products in categories 331, 339, 340, 347/348, and 645/646, produced or manufactured in the People's Republic of China, in excess of the following levels of restraint:

<i>Category</i>	<i>12-Month Level of Restraint</i>	
331	2, 946, 006	dozen pairs
339	535, 659	dozen
340	354, 613	dozen
347/348	1, 088, 632	dozen
645/646	334, 834	dozen

Cotton and manmade fiber textile products in the foregoing categories that have been exported before, as well as on and after, May 31, 1980, shall be subject to this directive.

A detailed description of the textile categories in terms of TSUSA numbers was published in the Federal Register on February 28, 1980 (45 F.R. 13172), as amended on April 23, 1980 (45 F.R. 27463).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton and manmade fiber textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

PAUL T. O'DAY,
*Chairman, Committee for the
Implementation of Textile Agreements.*

(T.D. 80-170)

Cotton Textile Products—Restriction on Entry

Restriction on entry of cotton textile products manufactured or produced in
Pakistan

There is published below a directive of March 25, 1980, received by the Commissioner of Customs from the chairman, Committee for the

Implementation of Textile Agreements, concerning visa and exempt certification requirements for cotton textile products manufactured or produced in Pakistan. This directive further amends, but does not cancel, that committee's directive of June 28, 1972 (T.D. 72-208).

This directive was published in the Federal Register on March 28, 1980 (45 F.R. 20518), by the committee.

(QUO-2-1)

Dated: June 11, 1980.

WILLIAM D. SLYNE

(For Chester R. Krayton, Director,
Duty Assessment Division).

U.S. DEPARTMENT OF COMMERCE,
INTERNATIONAL TRADE ADMINISTRATION,
Washington, D.C., March 25, 1980.

Committee for the Implementation of Textile Agreements

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of June 28, 1972, from the chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in categories 1 through 64, produced or manufactured in Pakistan, for which the Government of Pakistan had not issued an export visa or certification for exemption, where appropriate. It also amends, but does not cancel, the directives of March 3, October 7, and November 19, 1976, and July 7, and November 25, 1977, which named Government of Pakistan officials authorized to issue export visas and certifications for exempt textile products.

Under the terms of the Arrangement Regarding International Trade in Textile, done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977 the aforesaid directives are further amended, effective on March 28, 1980, to revise the lists of officials, who are authorized to issue export visas and exempt certifications for cotton textile products, produced or manufactured in

Pakistan. Complete lists of the officials currently authorized to issue visas and certifications are enclosed. Merchandise certified by officials previously designated shall not be denied entry.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs function of the United States. Therefore, these directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 533. This letter will be published in the Federal Register.

Sincerely,

PAUL T. O'DAY,
*Chairman, Committee for the
Implementation of Textile Agreements.*

Enclosure.

GOVERNMENT OF PAKISTAN OFFICIALS AUTHORIZED TO ISSUE EXPORT
VISAS FOR COTTON TEXTILE PRODUCTS EXPORTED TO THE UNITED
STATES

Riaz Ahmad
Ejaz Ahmad
Shabbir Ahmad
Monhammad Akhtar Alam
S. M. Anwar
S. A. Aziz
S. Asif Ali Bokhari
Moinul Hasan
Pir Monhammad Khan
Ghulam Mustafa

Sajjad Hussain Naqvi
Tariq Iqbal Puri
Abdul Ghaffar Quereshi
Mujib-ur-Rehman
Asif Ali Shaikh
Niamat Shah
I. H. Siddiqi
M. Adil Siddiqui
S. A. Zaidi
Abdul Aziz Zia

GOVERNMENT OF PAKISTAN OFFICIALS AUTHORIZED TO ISSUE CER-
TIFICATIONS FOR EXEMPT COTTON TEXTILE PRODUCTS EXPORTED
TO THE UNITED STATES

S. Zaheer Abbas
Iftikhar Ali
S. A. Aziz

S. Asif Ali Bokhari
Mohammad Sadiq Khan
Abdul Aziz Zia

(T.D. 80-171)

Foreign Currencies—Daily Rates For Countries Not on Quarterly List

Rates of exchange based on rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Brazil cruzeiro, People's Republic of China yuan, Hong Kong dollar, Iran rial, Philippines peso, Singapore dollar, Thailand baht (tical), and Venezuela bolivar

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to part 159, subpart C, Customs Regulations (19 CFR 159, subpart C).

Brazil cruzeiro:

June 2-6, 1980.....	\$0. 0197
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People's Republic of China yuan:

June 2-5, 1980.....	\$0. 674536
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June 6, 1980.....	. 677920
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Hong Kong dollar:

June 2, 1980.....	\$0. 203770
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June 3, 1980.....	. 203583
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June 4, 1980.....	. 203252
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June 5, 1980.....	. 202840
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June 6, 1980.....	. 203417
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Iran rial:

June 2-6, 1980.....	Not available
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Philippines peso:

June 2-6, 1980.....	\$0. 1345
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Singapore dollar:

June 2, 1980.....	\$0. 468055
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June 3, 1980.....	. 467071
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June 4, 1980.....	. 468823
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June 5, 1980.....	. 468933
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June 6, 1980.....	. 467946
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Thailand baht (tical):

June 2-6, 1980.....	\$0. 0490
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Venezuela bolivar:

June 2-6, 1980----- \$0. 2329

(LIQ-3-TRODE)

Dated: June 16, 1980.

G. SCOTT SHREVE

(For Chester R. Krayton, Director,
Duty Assessment Division).

(T.D. 80-172)

Foreign Currencies—Variances From Quarterly Rate

Rates of exchange based upon rates certified to the Secretary of the Treasury
by the Federal Reserve Bank of New York

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in T.D. 80-103 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates:

Australia dollar:

June 2, 1980-----	\$1. 1465
June 3, 1980-----	1. 1430
June 4, 1980-----	1. 1440
June 5, 1980-----	1. 1448
June 6, 1980-----	1. 1480

Austria, schilling:

June 2, 1980-----	\$0. 078989
June 3, 1980-----	. 078740
June 4, 1980-----	. 078802
June 5, 1980-----	. 078927
June 6, 1980-----	. 079051

Belgium franc:

June 2, 1980-----	\$0. 035100
June 3, 1980-----	. 035174
June 4-5, 1980-----	. 035199
June 6, 1980-----	. 035236

Denmark krone:

June 2, 1980	\$0. 180522
June 3, 1980	. 180865
June 4, 1980	. 180766
June 5, 1980	. 180914
June 6, 1980	. 181094

Finland markka:

June 2-5, 1980	\$0. 273336
June 6, 1980	. 273598

France franc:

June 2, 1980	\$0. 241255
June 3, 1980	. 241080
June 4, 1980	. 241692
June 5, 1980	. 241926
June 6, 1980	. 242483

Germany deutsche mark:

June 2, 1980	\$0. 560915
June 3, 1980	. 563285
June 4, 1980	. 563761
June 5, 1980	. 563444
June 6, 1980	. 564462

India rupee:

June 2, 1980	\$0. 1290
June 3, 1980	. 1287
June 4, 1980	(¹)
June 5-6, 1980	. 1272

Ireland pound:

June 2, 1980	\$2. 0940
June 3, 1980	2. 0875
June 4, 1980	2. 0980
June 5, 1980	2. 0970
June 6, 1980	2. 0975

Italy lira:

June 2, 1980	\$0. 001195
June 3, 1980	. 001197
June 4, 1980	. 001199
June 5, 1980	. 001195
June 6, 1980	. 001201

¹ Rate did not vary this date. Use quarterly rate.

Japan yen:

June 2, 1980	-----	\$0. 004473
June 3, 1980	-----	. 004490
June 4, 1980	-----	. 004517
June 5, 1980	-----	. 004538
June 6, 1980	-----	. 004560

Malaysia dollar:

June 2, 1980	-----	\$0. 461681
June 3, 1980	-----	. 462535
June 4, 1980	-----	. 463392
June 5, 1980	-----	. 464145
June 6, 1980	-----	. 465116

Netherlands guilder:

June 2, 1980	-----	\$0. 509944
June 3, 1980	-----	. 512085
June 4, 1980	-----	. 513084
June 5, 1980	-----	. 512689
June 6, 1980	-----	. 513479

New Zealand dollar:

June 2, 1980	-----	\$0. 9875
June 3, 1980	-----	. 9810
June 4, 1980	-----	. 9815
June 5, 1980	-----	. 9860
June 6, 1980	-----	. 9855

Norway krone:

June 2, 1980	-----	\$0. 205550
June 3, 1980	-----	. 205444
June 4, 1980	-----	. 205592
June 5, 1980	-----	. 205086
June 6, 1980	-----	. 205719

Portugal escudo:

June 2, 1980	-----	\$0. 020458
June 3, 1980	-----	. 020346
June 4-6, 1980	-----	. 020408

Spain peseta:

June 2, 1980	-----	\$0. 014372
June 3, 1980	-----	. 014282
June 4, 1980	-----	. 014278
June 5, 1980	-----	. 014327
June 6, 1980	-----	. 014333

Sweden krona:

June 2, 1980	\$0. 238152
June 3, 1980	. 238692
June 4, 1980	. 238806
June 5, 1980	. 239464
June 6, 1980	. 239636

Switzerland franc:

June 2, 1980	\$0. 602337
June 3, 1980	. 604595
June 4, 1980	. 607165
June 5, 1980	. 606796
June 6, 1980	. 611621

United Kingdom pound:

June 2, 1980	\$2. 3365
June 3, 1980	2. 3030
June 4, 1980	2. 3215
June 5, 1980	2. 3305
June 6, 1980	2. 3318

(LIQ-3-TRODE)

Dated: June 16, 1980.

G. SCOTT SHREVE
(For Chester R. Krayton,
Duty Assessment Division).

(T.D. 80-173)

Customs Bonds

General bond for smelting and refining warehouses, revised

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This notice informs proprietors of Customs bonded smelting and refining warehouses and their sureties of amendment of the General Bond for Smelting and Refining Warehouses. This bond relates to the entry, warehousing, smelting, and refining of imported metal bearing materials in bond without the payment of duty as provided in section 312, Tariff Act of 1930, as amended. The amendment is required to reflect statutory changes in the Customs laws made by the Customs Procedural Reform and Simplification Act of 1978 (Public Law 95-410), which became law on October 3, 1978.

EFFECTIVE DATE: The revised form of the bond is effective upon the date of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: William Lawlor, Drawback and Bonds Branch, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; 202-566-5856.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 312(a), Tariff Act of 1930, as amended, provides in part that any plant engaged in smelting or refining, or both, of metal-bearing materials as defined in that section may, upon the giving of satisfactory bond, be designated a bonded smelting or refining warehouse. Metal-bearing materials may be entered into a bonded smelting or refining warehouse without the payment of duties thereon and there smelted or refined, or both, together with metal-bearing materials of domestic or foreign origin. Section 623(b), Tariff Act of 1930, as amended, provides in part that whenever a bond is required or authorized by a law which the Secretary of the Treasury or the Customs Service is authorized to enforce, the Secretary of the Treasury may prescribe the conditions and form of such bond. The form of the General Bond for Smelting and Refining Warehouses now prescribed is published in T.D. 72-244, effective September 15, 1972.

The bond as now prescribed includes provisions and conditions relating to the entry and warehousing of merchandise. The Customs Procedural Reform and Simplification Act of 1978 (Public Law 95-410, 92 Stat. 888, the act) changed Customs entry procedures and extended the warehousing period.

Section 484(a), Tariff Act of 1930, as amended, formerly required that entry documents be filed at a customhouse within 5 working days after the entry of the importing vessel or aircraft, report of the vehicle, or arrival at the port of destination in the case of merchandise transported in bond, unless a longer time was authorized.

Section 102 of the act amended section 484(a) by providing that entry shall be made by filing that documentation necessary to enable Customs to determine whether the merchandise may be released from Customs custody. Section 102 also provides that documentation necessary to classify and appraise merchandise and to verify statistical information shall be filed at the time prescribed by regulation, either when entry is made, or at any time within 10 working days thereafter.

Sections 557 and 559, Tariff Act of 1930, as amended, formerly permitted merchandise to be kept in a Customs bonded warehouse at the owner's expense for a period up to 3 years after arrival of the merchandise in the United States.

Section 108 of the act amends sections 557 and 559 to permit merchandise to remain in a Customs bonded warehouse at the owner's expense for a period up to 5 years. Merchandise in a bonded warehouse on October 3, 1978, the date of enactment of Public Law 95-410, may remain in the warehouse for a period up to 5 years from that date.

A complete text of the bond form, as revised, is set forth below.

ACTION

The revised form of the General Bond for Smelting and Refining Warehouses, as set forth below, is effective upon the date of publication in the Federal Register. However, to minimize any possible inconvenience to the public, the bond format prescribed in T.D. 72-244 with the attachment of Customs bond rider "R" will be accepted for a period of 60 days from the date of publication of the revised form in the Federal Register.

INAPPLICABILITY OF PUBLIC NOTICE AND DELAYED EFFECTIVE DATE PROVISIONS

This is a technical amendment of interest to an extremely small segment of the public. Since it merely implements a statutory requirement, relieves the proprietor of modifying the existing bond form and submitting bond rider "R", notice and public procedure pursuant to 5 U.S.C. 553(b)(B) are unnecessary. In accordance with 5 U.S.C. (d)(1), a delayed effective date is not required because this amendment relieves a restriction.

DRAFTING INFORMATION

The author of this document is William Lawlor, Carriers, Drawback and Bonds Division, Office of Regulations and Rulings, U.S. Customs Service.

R. E. CHASEN,
Commissioner of Customs.

U.S. CUSTOMS SERVICE GENERAL BOND FOR SMELTING AND REFINING WAREHOUSES

Know all men by these presents, That _____, of _____, as principal, and _____ of _____, and _____, of _____ as sureties, are held and firmly bound unto the United States of America in the sum of _____ dollars (\$____), for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this _____ day of _____, 19__.

Whereas, the said _____ have (has) been authorized to smelt or refine, or both, imported metal bearing materials in bond without the payment of duty thereon, as provided in section 312, Tariff Act of 1930, as amended, in the premises situated at _____, and more particularly described by metes and bounds in exhibit _____, attached hereto and made a part hereof, which premises are owned, controlled and operated by _____; and

Whereas, metal-bearing materials will be entered for warehouse to be smelted or refined, or both; and

Whereas, metal-bearing materials as well as merchandise generally will be entered for consumption or for warehouse, and in warehouses of classes 2, 3, or 4 at any of the following ports of entry _____

_____ :

and

Whereas, certain merchandise, in whole or in part, may be entered under the provisions of section 484, Tariff Act of 1930, as amended, and duties deposited under the provisions of section 505(a), Tariff Act of 1930, as amended; and

Whereas, pursuant to the regulations promulgated under section 448(b), Tariff Act of 1930, the said principal may find that immediate delivery of the merchandise will be necessary and desires the release of such merchandise prior to the making of formal entry therefor and payment of duties thereon the description of the articles to be fully set forth in such applications for special permits as may be filed by the principal; and

Whereas, imported merchandise generally and dutiable metal-bearing materials (including products partly smelted or refined) will, to the extent permitted by law and regulations and in accordance therewith, be transferred from one warehouse to another, or be withdrawn for consumption, for transportation and rewarehousing, for exportation, for transportation and exportation, or for any other purpose provided for by law and regulations, as shown in the required documents.

Whereas, the above-bounden principal may request that the merchandise be examined elsewhere than at the public store, wharf, or other place in charge of a Customs officer;

Now, therefore, the condition of this obligation is such, that—

(1) If the said principal shall comply in all respects with the provisions of section 312, Tariff Act of 1930, as amended, and the regulations thereunder, and all other laws and regulations, relating to the importation, transportation, exportation, transportation and exportation, entry, transfer, warehousing, or rewarehousing of imported metal-bearing materials entered for smelting or refining, or both, and

to the custody and safekeeping of an accounting for such metal-bearing materials and dutiable metal (including products partly smelted or refined); and shall exonerate and hold harmless the United States and its officers from or on account of any risk, loss, or expense of any kind or description connected with or arising from the deposit of metal-bearing materials or dutiable metal (including products partly smelted or refined) in the above-described warehouse(s), including the expenses of any kind of description incident to or caused by the transfer of such merchandise from the said warehouse(s) upon the discontinuance thereof;

(2)(a) If, where entry is made pursuant to section 484, Tariff Act of 1930, as amended, the above-bounden principal, within the time prescribed in the Customs regulations shall file with the appropriate Customs officer the documentation required by the Customs regulations to enable Customs to (1) determine whether the merchandise may be released from Customs custody, (2) properly assess duties on the merchandise, (3) collect accurate statistics with respect to the merchandise, and (4) determine whether applicable requirements of law or regulation are met; and if the above-bounden principal, within the time prescribed in the Customs regulations, shall deposit the duties and taxes imposed upon or by reason of importation estimated to be due thereon; or if, in the event of failure to file the documentation or to deposit duties and taxes, he shall pay to the district director of Customs as liquidated damages an amount equal to the value of the merchandise as to which there shall have been default, plus the duties and taxes thereon (it being understood and agreed that the amount to be collected shall be based upon the quantity and value of the merchandise as determined by the district director, and that the decision of the district director as to the status of the merchandise, whether free or dutiable, together with the rate and amount of duties and taxes, also shall be binding on all parties to this obligation);

(2)(b) If, in cases where the merchandise has been released prior to entry pursuant to section 448(b) of the Tariff Act of 1930, the above-bounden principal within the time prescribed by the Customs Regulations, after the release of the articles described in the application for a special permit, shall make entry for such articles and deposit the duties and taxes imposed upon or by reason of importation estimated to be due thereon, or in case the merchandise is to be entered for warehouse file the usual warehouse entry, or if, in the event of failure to make entry or to deposit such duties and taxes, he shall pay to the district director of Customs as liquidated damages an amount equal to the value of the merchandise plus the duties and taxes thereon (it being understood and agreed that the amount to be collected shall be based upon the quantity and value of such merchandise as deter-

mined by the district director of Customs and that the decision of the district director of Customs as to the status of such merchandise, whether free or dutiable, together with the rate and amount of duties and taxes, also shall be binding on all parties to this obligation);

(3) And if the above-bounden principal shall, when the merchandise is to be examined elsewhere than at the public stores, wharf, or other place in charge of a Customs officer, pay any additional expense, including actual expenses of travel and subsistence, but not the salary of the examining officer, and shall hold such merchandise at the place to which it will be removed for examination until the merchandise, shall have been released from Customs custody by the completion of final examination for purposes of appraisement; and, at any time before such release, shall transfer the merchandise to such place as the district director of Customs may direct; and, when the merchandise has been corded and sealed, shall keep such cords and seals intact until removed by Customs officers; or, in the event of default, shall pay to the district director of Customs an amount equal to the value of the merchandise with respect to which there has been a default (as set forth in the entries therefor), plus the estimated duties and taxes thereon, as determined at the time of entry;

(4) If said principal shall pay monthly to the district director of Customs for the district in which said smelting, refining, or smelting and refining warehouses are located, the compensation of Customs officers on duty at or assigned to such warehouses, including overtime compensation of Customs officers and employees assigned to duty at night or on Sunday or holiday upon a request made by or on behalf of the principal hereon; and

(5) If the said principal shall deliver to the said district director such invoices, declarations of owners or consignees, certificates of origin, certificates of exportation, and other declarations, certificates and documents as may be required by law or regulations in connection with the entry or withdrawal of imported merchandise or the withdrawal of dutiable metal (including products partly smelted or refined), in the form and within the time required by law or regulations, or any lawful extension thereof, or, in default thereof shall pay to the district director of Customs such amounts as liquidated damages as may be demanded by him in accordance with the laws and regulations; and

(6) If the said principal shall redeliver or cause to be redelivered to the order of the district director of Customs on demand by him, in accordance with the law and regulations in effect on the date of the release of the said articles, any and all merchandise found not to comply with the law and regulations governing its admission into the commerce of the United States; and shall redeliver or cause to be

redelivered to the order of the district director of Customs such additional packages or quantities of merchandise as may be desired by Customs pursuant to section 499, Tariff Act of 1930, as amended, for the purpose of examination inspection, or appraisement, upon a demand made on such principal within the time prescribed by the Customs Regulations, and shall on demand made within the time prescribed by the Customs Regulations redeliver or cause to be redelivered to the order of the district director of Customs any of such merchandise for the purpose of marking pursuant to the provisions of section 304, Tariff Act of 1930, as amended; or, in default thereof, shall pay to said district director such amounts as liquidated damages as may be demanded by him in accordance with the law and regulations not exceeding the amount of this obligation, for any breach or breaches thereof;

(7) If the said principal shall not receive into such warehouse(s) any merchandise entered for warehouse or rewarehouse therein without a proper permit from the district director of Customs and without the presence of the Customs officer in charge, and shall not remove or suffer to be removed any such merchandise or dutiable metal (including products partly smelted or refined) not in excess of that charged against open bonds, except in the manner provided for by law and regulations; or, in default thereof, shall pay to the district director of Customs on demand all duties, taxes, charges, and exactions found legally due on the merchandise or dutiable metal (including products partly smelted or refined) so removed it being expressly understood and agreed that the liability of said principal under the bond shall extend to all cases where the merchandise or dutiable metal (including products partly smelted or refined) are lost or stolen from said warehouse(s), whether the loss or theft shall result from the fault of said principal or not; and

(8) If the said principal shall pay to the district director of Customs when demanded, all duties, taxes, and charges found legally due and unpaid on the final liquidation of such consumption entries as may be charged against this obligation; and if within 5 years from October 3, 1978, or 5 years from the date of original importation, whichever is later, the said principal shall pay to the district director of Customs the full amount of duties, taxes, charges, and exactions legally due upon all merchandise and dutiable metal withdrawn from warehouse for domestic consumption, and shall pay, on demand by the district director, any other duties, taxes, charges, and exactions found legally due on the merchandise or dutiable metal (including products partly smelted or refined) after withdrawal, or found to be due on merchandise or dutiable metal (including products partly smelted or refined) remaining in warehouse after expiration of such 5 year period; and

(9) If the said principal shall properly and lawfully enter or withdraw the merchandise or dutiable metal (including products partly smelted or refined) covered by this obligation, for bona fide exportation or for transportation, or for transportation and exportation, and shall actually furnish the district director of Customs with proof that such merchandise, if entered for exportation, was exported through a Customs port of exit under Customs supervision and landed beyond the limits of the United States, or, if entered or withdrawn for transportation to another Customs port, was delivered to the district director of Customs at the port of destination and there properly entered, the proof to be filed in the form and within the time required by law and regulations, or any lawful extension thereof, or, in lieu of exportation, if the merchandise or dutiable metal (including products partly smelted or refined) shall be destroyed or abandoned within the bonded period in accordance with law and regulations, or, in default of the foregoing conditions, if the obligors shall pay to the district director of Customs the full amount of duties, taxes, charges, and exactions which may be found legally due on such of the merchandise as to which there shall have been default;

Then this obligation to be void; otherwise to remain in full force and effect.

Signed, sealed, and delivered in the presence of _____.

_____ (Name)	_____ (Address)	
_____ (Name)	_____ (Address)	_____ (Principal) (SEAL)
_____ (Name)	_____ (Address)	
_____ (Name)	_____ (Address)	_____ (Surety) (SEAL)
_____ (Name)	_____ (Address)	
_____ (Name)	_____ (Address)	_____ (Surety) (SEAL)

[Published in the Federal Register June 24, 1980 (45 F.R. 42433)]

(T.D. 80-174)

Cotton and Manmade Fiber Textile Products—Restriction on Entry

Restriction on entry of cotton and manmade fiber textile products manufactured or produced in the Dominican Republic

There is published below a directive of May 30, 1980, received by the Commissioner of Customs from the chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry

of cotton and manmade fiber textile products in certain categories manufactured or produced in the Dominican Republic.

This directive was published in the Federal Register on June 4, 1980 (45 F.R. 37716), by the committee.

(QUO-2-1)

Dated: June 11, 1980.

WILLIAM D. SLYNE

(For Chester R. Krayton, Director,
Duty Assessment Division).

U.S. DEPARTMENT OF COMMERCE,
INTERNATIONAL TRADE ADMINISTRATION,
Washington, D.C., May 30, 1980.

Committee for the Implementation of Textile Agreements

COMMISSIONER OF CUSTOMS,
*Department of the Treasury,
Washington, D.C.*

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, between the Governments of the United States and the Dominican Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on June 1, 1980, and for the 12-month period extending through May 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and manmade fiber textile products in categories 340, 351, 639, and 648, produced or manufactured in the Dominican Republic, in excess of the following levels of restraint:

<i>Category</i>	<i>12-month level of restraint</i>
340	121,817 dozen
351	286,113 dozen
639	274,588 dozen
649	1,392,750 dozen

In carrying out this directive entries of textile products in the foregoing categories which have been exported to the United States prior to June 1, 1980, shall, to the extent of any unfilled balances, be

charged against the levels of restraint established for such goods during the 12-month period beginning on June 1, 1979, and extending through May 31, 1980. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of August 7 and 8, 1979, between the Governments of the United States and the Dominican Republic which provide, in part, that: (1) Specific limits may be exceeded by designated percentages to account for swing; (2) specific limits may also be increased for carryover and carry-forward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the textile categories in terms of TSUSA numbers was published in the Federal Register on February 28, 1980 (45 F.R. 13172), as amended on April 23, 1980 (45 F.R. 27463).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Dominican Republic with respect to imports of cotton and manmade fiber textile products from the Dominican Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

ARTHUR GAREL,
*Acting Chairman, Committee for the
Implementation of Textile Agreements.*

ERRATUM

In CUSTOMS BULLETIN, volume 14, No. 24, dated June 11, 1980, on page 35, please correct the name of the Director, Carriers, Drawback and Bonds Division to read: Alfred G. Scholle.

U.S. Customs Service

General Notice

(521791)

Courier Services; Invitation to the Public to Comment

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Invitation to the public to comment.

SUMMARY: This document gives notice that the Customs Service is inviting comments from interested members of the public concerning Customs handling of importations by courier services. These couriers provide overnight delivery service of articles from overseas. The Customs Service examines and clears shipments imported by courier services. Various segments of the importing community have raised the following questions about the treatment accorded these shipments by Customs: (1) Should the bags or pouches imported by a courier service employee be treated as accompanying baggage of the employee? (2) May a courier service designated as the consignee of merchandise brought or shipped to the United States file a formal or informal entry in its own name? (3) May a courier service which is not the consignee of the merchandise and has not been authorized in writing by the consignee, execute a power of attorney designating a broker to make the entry? Comments are invited with respect to these questions. A question of whether the courier service operations conflict with any law administered by the Postal Service has been referred to that agency.

DATES: Comments (preferably in triplicate) must be received on or before August 18, 1980.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Research Division, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Marcia Kaplan, Entry Procedures and Penalties Division, U.S. Customs Service,

1301 Constitution Avenue NW., Washington, D.C. 20229; 202-566-5765.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Customs Service examines and clears shipments imported by courier services. Courier services provide overnight delivery service of articles from overseas. Generally, couriers import: Intangibles (described in general headnote 5, Tariff Schedules of the United States), commercial drawings or plans, business records, diagrams, and other data. Although intangibles are exempt from entry, the majority of other articles imported by these services are not.

Courier services generally import their shipments in two ways. One is by use of an onboard courier, an individual who brings the articles with him. The other is by use of a cargo courier.

The onboard courier is usually an employee of the courier service who imports the shipment as accompanying baggage, filing a baggage declaration (see 19 CFR 148.23). This courier typically brings in 10 to 15 duffle bags each containing a large number of separately addressed envelopes and parcels. Often there is commingling of both intangibles and other dutiable and nondutiable articles. Articles within the duffle bags or pouches which, under Customs regulations, cannot be cleared on the baggage declaration require the filing of an entry, formal or informal.

The cargo courier, on the other hand, is usually a courier service employee overseas who arranges for an unaccompanied shipment of the articles to a courier service in the United States which is generally named as consignee on the shipping documents. Another courier service employee in the United States, accompanied by a customhouse broker, picks up the shipment on arrival and the broker files the entries, formal and informal, for articles which generally are of the same kind imported by onboard couriers.

QUESTIONS RAISED

In light of the foregoing, members of the importing community have raised the following questions:

(1) Should the bags or pouches imported by onboard couriers be treated as accompanying baggage of the individual courier?

(2) May a courier service designated as the consignee of merchandise brought or shipped to the United States by courier service employees file a formal or informal entry in its own name? (Under 19 U.S.C. 1483, all merchandise imported into the United States is deemed the property of the person to whom that property is consigned.)

(3) May a courier service which is not the consignee of the merchandise and has not been authorized in writing by the consignee, execute a power of attorney designating a broker to make the entry?

These questions have arisen in response to certain problems encountered during the processing of courier sacks, including the inadequacy of passenger processing facilities to clear these sacks at airports, inaccurate or improper documentation or declarations, and commingling of a wide variety of merchandise. It has also been alleged that courier services may be operating in violation of certain laws administered by the U.S. Postal Service. This allegation has been referred to the Postal Service for comment.

COMMENTS INVITED

Comments concerning the questions raised above are invited from interested members of the public. These comments submitted in writing and preferably in triplicate, to the Commissioner of Customs will be available for public inspection in accordance with 19 CFR 103.8(b), during regular business hours at the Regulations and Research Division, Headquarters, Room 2426, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

DRAFTING INFORMATION

The principal author of this notice was Harold I. Loring, Regulations and Research Division, U.S. Customs Service. However, personnel from other offices of the U.S. Customs Service participated in developing this notice, both on matters of style and substance.

WILLIAM T. ARCHEY,
Commissioner of Customs.

Approved: June 12, 1980.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury.

[Published in the Federal Register June 19, 1980 (45 F.R. 41565)]

Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza
New York, N. Y. 10007

Chief Judge

Edward D. Re

Judges

Paul P. Rao
Morgan Ford
Scovel Richardson
Fredrick Landis

James L. Watson
Herbert N. Maletz
Bernard Newman
Nils A. Boe

Senior Judge

Samuel M. Rosenstein

Clerk

Joseph E. Lombardi

Abstracts *Abstracted Protest Decision*

DEPARTMENT OF THE TREASURY, *June 9, 1980.*

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein will be of assistance to Customs officials in easily locating cases and tracing important facts.

ROBERT E. CHASEN,
Commissioner of Customs.

CUSTOMS COURT

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DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED	HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
				Par or Item No. and Rate	Par or Item No. and Rate		
P80/82	Landis, J. June 6, 1980	H. E. Lauffer Co., Inc.	78-9-02702, etc.	Item 533.65 10¢ per doz. pes. + 55% Item 533.66 10¢ per doz. pes. + 36%	Item 533.28 5¢ per doz. pes. + 10.5%	Agreed statement of facts.	New York Ceramicware (stoneware and earthenware)
P80/83	Landis, J. June 6, 1980	Rhodia, Inc.	78-1-00119	Items 423.00/423.96 5%	Item 519.37 0.4¢ per lb.	Judgment on the pleadings	New York Cerox
P80/84	Landis, J. June 6, 1980	Rhodia, Inc.	78-11-01992	Items 423.00/423.96 5%	Item 519.37 0.4¢ per lb.	Judgment on the pleadings	New York Cerox
P80/85	Landis, J. June 6, 1980	Rhodia, Inc.	78-12-02114	Items 423.00/423.96 5%	Item 519.37 0.4¢ per lb.	Judgment on the pleadings	New York Cerox
P80/86	Landis, J. June 6, 1980	Rhodia, Inc.	79-3-00407	Items 423.00/423.96 5%	Item 519.37 0.4¢ per lb.	Judgment on the pleadings	New York Cerox
P80/87	Landis, J. June 6, 1980	Rhodia, Inc.	79-3-00539	Items 423.00/423.96 5%	Item 519.37 0.4¢ per lb.	Judgment on the pleadings	New York Cerox

Decisions of the United States Customs Court

Abstracts

Abstracted Reappraisal Decisions

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R80/170	Landis, J. June 3, 1980	B & K Instruments, Inc.	R66/2374, etc.	Export value	Invoice unit prices less, where applicable, items specified on invoices as saved packing	Agreed statement of facts	Cleveland Instruments and parts
R80/171	Landis, J. June 3, 1980	B & K Instruments, Inc.	R67/10064, etc.	Export value	Invoice unit prices less, where applicable, items specified on invoices as saved packing	Agreed statement of facts	Cleveland Instruments and parts
R80/172	Landis, J. June 3, 1980	B & K Instruments, Inc.	R68/12875, etc.	Export value	Invoice unit prices less, where applicable, items specified on invoices as saved packing	Agreed statement of facts	Cleveland Instruments and parts
R80/173	Landis, J. June 3, 1980	B & K Instruments, Inc.	R69/12706, etc.	Export value	Invoice unit prices less, where applicable, items specified on invoices as saved packing	Agreed statement of facts	Cleveland Instruments and parts

R80/174	Landis, J. June 3, 1980	Manhattan Novelty Corporation	273837-A, etc.	Export value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit in- voice prices and ap- praised values	Agreed statement of facts	New York Binoculars and leather cases
R80/175	Landis, J. June 3, 1980	J. C. Penney	R64/13333, etc.	Export value	Appraised unit values less 7.5% net packed	Agreed statement of facts	Seattle Tubing mats
R80/176	Landis, J. June 3, 1980	Radio Corporation of America	R66/26331	United States value	F.o.b. unit invoice prices plus 50%	Agreed statement of facts	San Francisco Electron receiving tubes
R80/177	Landis, J. June 6, 1980	National Silver Co.	R61/1384	Export value	Various appraised unit values less 7.5%, net packed	Agreed statement of facts	Los Angeles Flatware

Appeal to U.S. Court of Customs and Patent Appeals

Appeal 80-31.—National Sugar Refining Company *v.* United States.—SUGAR—INCREASED DUTY—DATE OF EXPORTATION—PRESIDENTIAL PROCLAMATIONS—SUMMARY JUDGMENT. Appeal from C.D. 4849.

The issue in this case involves Presidential proclamations relating to the duty imposed on sugar imported into the United States under item 155.20, Tariff Schedules of the United States.

On September 21, 1976, Presidential Proclamation 4463, modifying a prior proclamation (Presidential Proclamation 4334), increased the duty on sugar imports. On October 4, 1976, Presidential Proclamation 4466 was issued providing in part that the provisions of Presidential Proclamation 4463 "shall not be effective with respect to articles exported to the United States before 12:01 a.m. (U.S. eastern daylight savings time), September 21, 1976, provided that such articles are entered or withdrawn from warehouse, for consumption on or before November 8, 1976." The increased duty provided by Presidential Proclamation 4463 was imposed on the sugar imported into the United States from the Dominican Republic and entered for consumption on October 22, 1976. Plaintiff-appellant's protest with respect to the imposition of the increased duty was denied by the Customs Service, and an action was instituted in the Customs Court. Upon motion for summary judgment before the court plaintiff alleged that the sugar it had contracted to purchase was fully laden on a charter vessel at the Port of Rio Haina, Dominican Republic, on September 20, 1976; that local restrictions prohibited the vessel carrying the merchandise in question to sail from the port during night hours; and that the vessel bearing the merchandise departed the Port of Rio Haina and the country of the Dominican Republic at 7:30 a.m., local time, on September 21, 1976. Plaintiff contended that the sugar was exported on September 20, 1976, and should be liquidated at the rate established by Presidential Proclamation 4334 of November 16, 1974, and not at the rate actually applied as established by Presidential Proclamation 4463, as amended by Presidential Proclamation 4466. Defendant-appellee cross-moved for summary judgment in its favor contending that the increased duty was proper. Alternatively, defend-

ant contended that a genuine issue existed as to material facts alleged in plaintiff's motion, precluding summary judgment in favor of plaintiff.

In view of the undisputed fact that the vessel carrying the merchandise in question departed the country of exportation at 7:30 a.m., local time, on September 21, 1976, the Customs Court concluded that the involved merchandise was not "exported to the United States before 12:01 a.m. * * * September 21, 1976," within the intendment of Presidential Proclamation 4466 and was, therefore, subject to the additional duty imposed by Presidential Proclamation 4463. Plaintiff's motion for summary judgment was denied and defendant's cross-motion for summary judgment was granted.

It is claimed that: the Customs Court erred in finding and holding that the sugar in question was exported after 12:01 a.m. September 21, 1976; in failing to find and hold that the sugar was exported prior to 12:01 a.m. September 21, 1976, the court erred by not giving proper interpretation to Presidential Proclamation 4466 and its intended relief from hardship; in finding and holding that Presidential Proclamation 4463 applied to the sugar in question, the court erred in not considering the fact that Presidential Proclamation 4463 was not available for general circulation after the sugar had finally departed the country of export; the court erred in finding and holding that the term "export" is the date the goods finally depart the country of exportation.

Recent Unpublished Customs Service Decisions

The following listing of recent administrative decisions issued by the Office of Regulations and Rulings, U.S. Customs Service, and not otherwise published, is published for the information of Customs officers and the importing community. Although the decisions are not of sufficient general interest to warrant publication as Treasury decisions, the listing describes the issues involved and is intended to aid Customs officers and concerned members of the public in identifying matters of interest which recently have been considered by the Office of Regulations and Rulings.

A copy of any decision included in this listing, identified by its date and file number, may be obtained in a form appropriate for public distribution upon written request to the Office of Regulations and Rulings. Attention: Legal Reference Area, room 2404, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229. These copies will be made available at a cost to the requester of 10 cents per page. However, the Customs Service will waive this charge if the total number of pages copied is 10 or less.

Decisions listed in earlier issues of the CUSTOMS BULLETIN, through December 21, 1979, are available in microfiche format at a cost of \$17.70 (15 cents per sheet of fiche). It is anticipated that additions to the microfiche will be made quarterly and subscriptions are available. Requests for the microfiche now available and for subscriptions should be directed to the Legal Reference Area. Subscribers will automatically receive updates as they are issued and will be billed accordingly.

Dated: June 17, 1980.

JOHN T. ROTH,
*Acting Director,
Regulations and Research Division.*

Date of decision	File No.	Issue
5-15-80	104467	Carrier control: Prohibition against the use of a foreign-flag vessel to land in a U.S. port fish taken on the high seas
5-28-80	104567	Instruments of international traffic: Shipping fixtures used in the transportation of aircraft parts
5-22-80	104608	Vessels: Use of foreign-built vessels on inland river
6- 2-80	542124	Valuation: Whether certain artwork furnished free of charge by a U.S. customer to the foreign manufacturer is a dutiable assist
5-20-80	711484	Country-of-origin marking: Use of sturdy, pressure-sensitive gummed labels
5-15-80	712115	Country-of-origin marking: Exception for handwheels sold to valve manufacturers in original marked containers
5-15-80	712673	Prohibited and restricted importations: Trademark infringement pump top insulated containers with gummed labels bearing infringing language
5- 2-80	712682	Country of origin: Sterling silver jewelry made in Thailand and goldplated in Hong Kong
5-20-80	712877	Prohibited and restricted importations: Trademark infringement: Pump top insulated containers
5- 8-80	060746	Classification: Lace drapery panels (365.50)
5-19-80	060812	Classification: Wood veneer panels (240.34)
5-14-80	061438	American selling price: Men's protective boot (700.60)
5-14-80	061521	Classification: Track shoes (700.35, 700.60)
5-19-80	061835	Classification: Musicalculator (676.20, 688.40)
5-21-80	061858	American selling price: Men's protective boot (700.60)
5-21-80	061938	American selling price: Men's protective boot (700.60)
5- 8-80	061954	American selling price: woman's open-toe, open-back, ankle-strap casual shoe with unit-molded bottom and plastic and suede upper (700.60)
4-25-80	061969	American selling price: Woman's casual shoe (700.60)
5-22-80	061993	Classification: Whether double-needle contrasting stitching on men's short-sleeve dress shirts constitutes ornamentation (380.04, 380.84)
4- 9-80	062908	Classification: Clamp; pipe coupling (610.80, 657.25)
5-14-80	062928	Classification: Swivel snap hook (657.40, 657.80)
5- 1-80	064045	Classification: Diet supplement (407.85, 425.04, 440.00)
4- 9-80	064087	Classification: Knives and knife assemblies for chippers (649.67, 668.00, 668.06)
5- 8-80	064122	Classification: Tire valve extensions (692.32)
5- 8-80	064145	Classification: Rethermalizing ovens; refrigerators; serving carts (661.35, 684.20, 684.50, 727.55)
5- 8-80	064240	Classification: Wester-style headwear (702.12, 702.45, 702.47, 703.05)
4- 9-80	064249	Generalized system of preferences: Substantially transformed constituent materials (652.80)

Date of decision	File No.	Issue
5- 5-80	064448	Classification: Whether jeans with decorative-appearing, pieced patch pockets and piping inserted in seams and along pocket opening edges are ornamental (380.39)
5-19-80	064509	Classification: Agricultural shade cloth (352.80)
5-19-80	064822	Classification: Window ventilator (744.55)
5-21-80	064920	Classification: Splashguards (774.25, 774.55)
5-21-80	065018	Classification: Plastic compact for carrying eyeshadow (706.60, 772.20)
5- 8-80	065021	American selling price: Protective boot (700.60)

International Trade Commission Notices

Investigations by the U.S. International Trade Commission

DEPARTMENT OF THE TREASURY

The appended notices relating to investigations by the U.S. International Trade Commission are published for the information of Customs officers and others concerned.

R. E. CHASEN,
Commissioner of Customs.

731-TA-26 (Final)

Certain Steel Wire Nails From Korea

AGENCY: U.S. International Trade Commission.

ACTION: Institution of a final antidumping investigation.

SUMMARY: As a result of the affirmative final determination on May 19, 1980, by the International Trade Administration, U.S. Department of Commerce, that certain steel wire nails provided for in items Nos. 646.25 and 646.26 of the Tariff Schedules of the United States (TSUS) from certain Korean companies are being sold in the United States at less than fair value, within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the U.S. International Trade Commission (hereinafter the Commission) hereby gives notice of the institution of investigation No. 731-TA-26 (final) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. For purposes of this investigation, the term "steel wire nails" refers to nails, brads, spikes, staples, and tacks of one-piece construction which are made of round steel wire and which enter the United States under items Nos. 646.25 and 646.26 of the TSUS. The Commission's investigation encompasses imports of nails

as defined above from Korea produced by all firms except those specifically excluded by the Department of Commerce. The excluded firms are Blobear, Ltd., Dae Bong Industrial, Daeger Trading Co., Daewo Industrial, Dong-A-Nails Co., Jesse Industries, Kang Wan Industries, Lee Chun Steel Co., Ltd., Pacific Chemical Co., Sunkyong, Ltd., and Tong Myung Industries, which were found not to be selling below the applicable trigger price; Daegu Moolsan Co., Ltd., Dae Han Sang Sa Co., Ltd., Jin Heung Iron and Steel Co., Korea Nail Manufacturing Co., Ltd., New Korea Nails Ind., Co., Ltd., and Young Sin Metal Industrial Co., Ltd., which were found not to be selling at less than fair value or found to be selling at less than fair value in de minimis amounts; and Korean nail manufacturers not exporting to the United States, either directly or indirectly, during the period May 1978-March 1979.

EFFECTIVE DATE: May 19, 1980.

FOR ADDITIONAL INFORMATION CONTACT: Mr. Lynn Featherstone, Supervisory Investigator, Office of Operations, U.S. International Trade Commission, room 344, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-1376.

SUPPLEMENTARY INFORMATION: The provisions of the Trade Agreements Act of 1979 (Public Law 96-39, 93 Stat. 144) repealed the Antidumping Act of 1921 and replaced it with subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673) (hereinafter title VII) effective on January 1, 1980. Before the effective date of title VII, the Department of Treasury made, under the Antidumping Act of 1921, a tentative preliminary but not a final determination, that no imports of steel wire nails from Korea were being sold in the United States at less than fair value. Consequently, pursuant to transition rules set forth in section 102(b)(2) of the Trade Agreements Act of 1979, the investigation was terminated under the Antidumping Act of 1921 and now continues subject to the provisions of title VII, as if the preliminary determination had been made under section 733 of that title on the effective date of title VII.

Section 735(b)(1) of the Tariff Act requires the Commission to make a final injury determination where the administering authority has made an affirmative final determination pursuant to section 735(a) as to whether the merchandise which is the subject of the investigation is being or is likely to be, sold in the United States at less than fair value.

Inasmuch as the preliminary determination by the administering authority was negative and its final determination was affirmative, section 735(b)(3) requires the Commission to make its final injury

determination within 75 days after the date of the affirmative final less-than-fair-value-sale determination.

This investigation will be conducted according to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 F.R. 76457), subpart C, effective January 1, 1980.

WRITTEN SUBMISSION: Any person may submit a written statement of information pertinent to the subject of this investigation. A signed original and 19 true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, on or before July 15, 1980.

Any submission of business information for which confidential treatment is desired shall be submitted separately from other documents. The envelope and all pages of such submissions must be clearly labeled "Confidential business information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

All written submissions, except for confidential business data, will be available for inspection by interested persons at the Office of the Secretary in Washington, D.C., and at the Commission's New York Office, 6 World Trade Center, New York, N.Y. 10048.

A staff report containing preliminary findings of fact will be available to all interested parties on June 17, 1980.

HEARING: The Commission will hold a public hearing in connection with this investigation on July 9, 1980. The proceedings will be conducted in the hearing room of the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, and will begin at 10 a.m., e.d.t. Parties desiring to appear at the hearing should notify the Office of the Secretary not later than 5 business days prior to the date of the hearing. In addition, all hearing participants must file written prehearing statements in conformity with section 207.22 of the Commission's Rules of Practice and Procedure (19 CFR 207.22) on or before July 3, 1980.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subpart C (19 CFR 207), and part 201, subparts A through E (19 CFR 201). This notice is published pursuant to section 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20, 44 F.R. 76458).

By order of the Commission.

Issued: June 5, 1980.

KENNETH R. MASON,
Secretary.

In the Matter of CERTAIN TURNING MACHINES AND COMPONENTS THEREOF	}	Investigation No. 337-TA-72
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Notice of Commission Request for Comments Concerning Settlement Agreement

Background.—In connection with the Commission's investigation, under section 337 of the Tariff Act of 1930, of alleged unfair methods of competition and unfair acts in the importation and sale of certain turning machines and components thereof in the United States, the administrative law judge (ALJ) recommended on April 25, 1980, that the Commission grant respondents Tsugami Corp. and REM Sales Inc. motion to terminate this investigation as to them, which was filed with the Commission on March 27, 1980. Copies of the ALJ's recommendation may be obtained by interested persons by contacting the Office of the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0161.

This investigation began with a complaint filed by Warner & Swasey on September 13, 1979, alleging infringement of claims 1, 2, 3, 8, 10, 14, 18, 19, 20, and 22 of U.S. reissue patent No. 29,612 by Yamazaki Corp. and Yamazaki Machinery Works, Ltd. Investigation No. 337-TA-72 was instituted on October 1979, based on Warner & Swasey's complaint. Complainant Warner & Swasey moved on November 14, 1979, to amend the complaint and notice of investigation by adding as respondents Tsugami Corp. and REM Sales Inc., which motion was then certified to the Commission. On December 21, 1979, the motion to amend the complaint and notice of investigation was granted by the Commission. Respondents Tsugami and REM moved on January 8, 1980, to extend their time for filing a response to the complaint which motion was granted and response due on March 27, 1980. On March 27, 1980, respondents Tsugami and REM moved for an order to terminate the investigation as it applies to them, and that such motion was in lieu of the response to the complaint. A license agreement had been entered into between respondents Tsugami and REM and complainant dispensing of all outstanding issues between the parties. Complainant filed no opposition to respondents Tsugami's and REM's motion, and the Commission investigative attorney filed a memorandum in support of respondents Tsugami's and REM's motion to terminate.

Written comments requested.—Since respondents Tsugami and REM have filed a motion to terminate this investigation as to them based upon the license agreement, and because complainant has filed no opposition to respondents Tsugami's and REM's motion and the

ALJ has recommended termination on the basis of the license agreement, no oral argument will be held with respect to the ALJ's recommendation. However, in light of the Commission's duty to consider the public interest, the Commission requests written comments from persons concerning the effect of the termination of this investigation as to Tsugami and REM based on the license agreement upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. These written comments must be filed with the Secretary of the Commission no later than 30 days after publication of this notice in the Federal Register. The Commission has also requested comments from Government agencies pursuant to 19 CFR section 210.14(a)(2) on the license agreement, which is disclosable to those agencies under provisions of the protective order covering the investigation.

The license agreement.—The license agreement between complainant Warner & Swasey Co. and respondent Tsugami Corp. was executed by both parties and has an effective date of February 1, 1980. The license agreement disposes of any issues of alleged infringement of the reissue patent in suit by the importation or sale of certain turning machines manufactured by Tsugami Corp. and sold in the United States through REM Sales Inc., thereby leaving no outstanding issues between these parties for adjudication. The license agreement calls for a nonexclusive license which allows the licensor to grant further licenses. In addition, the license agreement provides that the licensee shall be relieved of the obligation to pay royalties under the agreement in the event the reissue patent in suit is declared invalid by a court having final jurisdiction.

Additional information.—The original and 19 true copies of all written submissions must be filed with the Secretary of the Commission. Any person desiring to submit a document (or portions thereof) to the Commission in confidence must request in camera treatment. Such request should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept such submission in confidence or return it. All nonconfidential written submissions will be open to public inspection at the Secretary's Office.

By order of the Commission.

Issued: June 5, 1980.

KENNETH R. MASON,
Secretary.

In the Matter of
CERTAIN INCLINED-FIELD
ACCELERATION TUBES AND
COMPONENTS THEREOF

Investigation No. 337-TA-67

Commission Action and Order

PROCEDURAL HISTORY

On June 27, 1979, the Commission published in the Federal Register (44 F.R. 37567) notice of an investigation to determine whether there is a violation of section 337(a) of the Tariff Act of 1930 in the unlawful importation of certain inclined-field particle acceleration tubes and components thereof into the United States or in their sale because of the alleged infringement of claims 1-6 of U.S. Letters Patent No. 3,308,323, the effect or tendency of which is substantially to injure and efficiently and economically operated domestic industry.

On December 11, 1979, respondent Dowlish Developments, Ltd., filed a motion for summary determination of noninfringement. On May 6, 1980, the Commission denied the motion for summary determination, remanded the investigation to the presiding officer on all issues, and designated the investigation more complicated within the meaning of 19 U.S.C. 1337(b)(1) and 19 CFR 210.15. The hearing in a more complicated investigation must be completed within 12 months of the notice of investigation, in this instance by June 27, 1980, in accordance with section 210.41(e)(1) of the Commission's Rules of Practice and Procedure (19 CFR 210.51(e)(1)).

On May 21, 1980, respondent Dowlish moved for extension of the date set for completion of trial in this investigation (motion docket No. 67-21). The presiding officer recommended that an extension of one month be granted, with a new hearing completion date of July 27, 1980, and a due date for the recommended determination of September 27, 1980 (order No. 14).

ACTION

Having considered the procedural posture of the investigation, Dowlish's motion for an extension, and the presiding officer's recommendation, the Commission voted on June 5, 1980, to extend the date for completion of trial and the due date for a recommended determination in this investigation to allow the parties more time for preparation for trial and to facilitate preparation of a more complete record on which the Commission may make its determination.

ORDER

Accordingly, the commission hereby orders that—

(1) The time requirements of 19 CFR 210.41(e)(1) are waived for this investigation;

(2) The new date for completion of the hearing is July 27, 1980;

(3) The new date for the recommended determination is September 27, 1980; and

(4) The Secretary shall serve copies of this action and order upon each party of record to this investigation and shall cause it to be published in the Federal Register.

By order of the Commission.

Issued: June 6, 1980.

KENNETH R. MASON,
Secretary.

In the Matter of
CERTAIN FOOD SLICERS AND
COMPONENTS THEREOF

Investigation No. 337-TA-76

Notice of Commission Determination To Amend the Complaint and Notice of Investigation, and To Designate the Investigation More Complicated

Background.—On December 13, 1979, the Commission instituted an investigation (44 F.R. 75738) to determine whether there is a violation of section 337 in the unlawful importation of certain food slicers and components thereof into the United States or in their sale because of the alleged infringement by such food slicers of claim 7 of U.S. Letters Patent No. 3,766,817, the effect or tendency of which is to destroy or substantially injure an industry efficiently and economically operated in the United States. On April 1, 1980, complainant, Prodyne Enterprises, Inc., filed a motion (motion No. 76-2) to expand the investigation to include the alleged infringement of claim 1 of the '817 patent, as well as claim 7. Complainant alleges that Crest Industries, one of the respondents, has allegedly modified and redesigned its food slicer device. Complainant asserts that, while there may be some question as to the infringement of claim 7 by the new device, there is infringement of claim 1. On April 8, 1980, the Commission investigative attorney supported complainant's motion 76-2. On April 14, 1980, complainant filed a motion to amend the complaint (motion No. 76-4), which amends and expands motion 76-2, requesting that the complaint and notice of investigation be amended to include claims 1 and 6 of the '817 patent, as well as claim 7. On April 17,

1980, respondent Crest Industries, opposed both motions 76-2 and 76-4. Crest raised two points in its opposition to the amended complaint. First, the proposed amendment to the complaint is unclear, and second, that there is not enough time left to complete discovery on the new issues.

On April 22, 1980, the ALJ made her recommendation, which was certified to the Commission, to expand the scope of the investigation and designate the investigation more complicated.

Commission determination.—Having considered the recommendation of the presiding officer and the submissions of the parties, the Commission determines that complainant's motions (motion No. 76-2 and No. 76-4) to amend the complaint and notice of investigation are granted to include that claim 1 of the '817 patent is allegedly infringed by respondent Crest Industries, Corp. and that claims 6 and 7 are allegedly infringed by all of the respondents.

Since the Commission has determined to expand the investigation, the Commission determines that the investigation be designated more complicated to allow the parties the additional time needed for discovery on the new issues.

A copy of the Commission's memorandum opinion is available from the Office of the Secretary of the Commission.

By order of the Commission.

Issued: June 9, 1980.

KENNETH R. MASON,
Secretary.

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